



U.S. House of Representatives
Committee on Transportation and Infrastructure

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Washington, DC 20515

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The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

The Honorable Hilda Solis
Secretary
Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Dear Administrator Jackson and Secretary Solis:

As you respond to the *Deepwater Horizon* BP Oil Spill, we urge you to ensure that all response and recovery workers are provided proper protective equipment, including respirators, and that all federal laws governing worker safety and respiratory protection are enforced.

Several hazardous substances are present in the oil, such as benzene, toluene and other volatile organic compounds, which are known cancer-causing chemicals. The use of chemical dispersants only adds to the number of toxins present to which people can be exposed. The dispersant currently being used, Corexit, is considered one of the most toxic according to the EPA's Product Schedule listed in the National Contingency Plan. While we do not know the exact chemical formula for Corexit, as it is considered proprietary information, we do know that it is a petroleum-based product that is banned in Britain. We also know that, at a minimum, it contains 2-butoxyethanol, and that the National Institute for Occupational Safety and Health (NIOSH) recommends limiting exposure and that respiratory protection may be needed.¹

There are already numerous reports of people falling ill after exposure to the oil, the dispersants, or some combination of the two, forming what some have called a "toxic soup." Last week, several cleanup workers were taken to the hospital complaining of nausea, shortness of breath and other respiratory ailments.² Gary Burris, a fisherman in Lafitte, LA became ill after working in the Gulf, and claimed that a "doctor told him his lungs looked like those of a three-pack-a-day smoker, and Burris said he has never smoked."³ It has also been reported that BP has refused to provide respirators, fearing that it would create a bad "visual," and that it has threatened to fire workers who request or wear one.⁴ Another Louisiana fisherman, John Wunstell Jr, who was hospitalized, even filed a restraining order against BP, demanding that it stop using dispersants without providing proper protective equipment and that BP refrain from altering or destroying his clothing that could provide evidence of his exposure.⁵

¹ http://www.cdc.gov/nceh/oil_spill/dispersants_and_your_safety.htm

² <http://www.nytimes.com/2010/05/28/science/earth/28workers.html?src=mv>

³ <http://www.wdsu.com/health/23615203/detail.html>

⁴ http://www.democracynow.org/2010/5/27/coast_guard_grounds_ships_involved_in

⁵ <http://www.cnn.com/2010/HEALTH/05/31/oil.spill.order/index.html>

David Michaels, Assistant Secretary of Labor for Occupational Safety and Health, raised concerns in a memo to Admiral Thad Allen about BP's ability or willingness to protect its workers. Mr. Michaels wrote, "The organizational systems that BP currently has in place, particularly those related to worker safety and health training, protective equipment, and site monitoring, are not adequate for the current situation or the projected increase in clean-up operations." Mr. Michaels also wrote, "I want to stress that these are not isolated problems. They appear to be indicative of a general systemic failure on BP's part, to ensure the safety and health of those responding to this disaster."⁶

BP CEO Tony Hayward suggested the response workers were sick from food poisoning – a ludicrous claim considering the respiratory ailments suffered by these hospitalized workers – confirming fears about BP's intentions.⁷ Clearly, BP cannot be trusted to protect the workers and others exposed to oil and chemical dispersants.

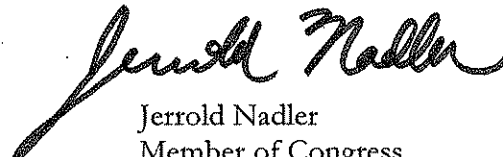
We were pleased to see that Department of Health and Human Services Secretary Kathleen Sebelius wrote to BP urging it to take responsibility for the health consequences of the disaster, but we fear that simple pleas are not enough. The federal government must take action to enforce public health and safety laws and to require that response workers use proper protective equipment, including respirators.

Too many times in recent history the federal government has failed to uphold this responsibility. For example, at the World Trade Center following the 9/11 terrorist attack, the EPA declared the air safe, and OSHA rules were not enforced. Now, thousands of responders, area workers and residents are sick, and the federal government is paying hundreds of millions of dollars each year on health monitoring and treatment. Luckily, in the case of the Gulf Oil Spill, BP is the clearly responsible party. However, it is up to the federal government to ensure that BP is properly protecting the workers, and that BP is not allowed to evade liability or shift the cost to the taxpayers for any potential health effects. We cannot allow BP's oil spill to cause any more damage or claim any more lives than it already has.

We know you share our concern, and we thank you in advance for your prompt response. The health and safety of the people of the Gulf Coast depend on it.

Sincerely,


James L. Oberstar
Chairman


Jerrold Nadler
Member of Congress

⁶ Memorandum from David Michaels, PhD, MPH, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor to National Incident Commander Admiral T.W. Allen, USCG: "DOL-OSHA's Serious Concerns for Worker Safety and Health in Deepwater Horizon Oil Spill Response (May 25, 2010).

⁷ <http://www.cnn.com/2010/HEALTH/05/31/oil.spill.order/index.html>